

Summary of Meeting
BDAC Water Transfers Work Group
September 17, 1997
Second Meeting

Key Points

- CALFED water transfer objectives should recognize the concerns of area-of-origin regions. Currently, objectives seem to emphasize 'encouragement' and 'promotion' but not 'protection'.
- The separation of identified issues into two categories is for the primary purpose of facilitating discussion of the issues in the BDAC and agency work groups, respectively. Issues discussed in the agency work group would be brought back to the BDAC work group for further discussion.
- The BDAC work group and the agency work group will work concurrently on the separated list of issues to develop initial options for resolution. The agency work group may include a few stakeholder experts when discussing specific issues. Issues discussed by the agency group will be brought back to the BDAC work group for further discussion or concurrence with options for resolution.
- Two or three case studies will be presented at the next BDAC work group meeting to help identify third party impacts and possibly provide some insight into options for resolution of concerns surrounding third party impacts.
- This work group needs to decide if it will develop possible processes to identify and address issues, or whether it intends to attempt to develop an array of actions to mitigate anticipated impacts, prior to continuing forward with case studies and more definition on third party impacts issues.
- Mary Selkirk has taken over the responsibilities from Rick Soehren of facilitating and working with the BDAC Water Transfers Work Group.

Discussion Overview

- Members of the work group discussed the merits of prioritizing particular identified issues. It was generally felt that the issues should not be separated based on 'technical' or 'policy' orientations since most have both. It was explained that the purpose of the separation of issues was to allow both the BDAC work group and the agency work group to concurrently work toward identification of a range of solutions. Some participants felt that issues involving the movement of water should be discussed by the BDAC work group and not the agency work group. Others felt that concerns regarding third party impacts already exist in today's transfer market and need to be dealt with first.
- It was suggested by Jerry Johns (a participant in the agency work group) that this BDAC group charge a few people to participate in the agency discussions. He noted that this would facilitate development of an array of options for resolution, all of which would come back to this work group for further discussion or consensus. It was noted that care would have to be taken to ensure that FACA or other regulations regarding public meetings not be violated by having specific invited stakeholders attending agency meetings.
- Concern was expressed by some participants regarding the inability to resolve many of these issues. Reference was made to past efforts that have attempted to deal with most of the same

issues but have failed to find lasting resolution. What makes this effort different?

- A suggestion was made to have the group maintain focus on what CALFED needs, and not necessarily all of the issues that need to be resolved. To many in the group, what is necessary for the CALFED Program versus what needs to be resolved for a workable transfer market is not readily apparent.
- Some expressed a desire to focus on the impacts of long-term transfers so that the current workable process for short-term transfers is not disrupted. Others, however, felt that short-term transfers needed a process similar to the long-term CEQA process in order to adequately address third party and other impacts that currently are not identified or mitigated. A distinction between short-term and long-term was made stating that short-term deals with water supply reliability (used primarily in dry years) while long-term transfers are a reallocation of water. Reallocation of water from source areas, it was suggested, is the major cause of third party impact concerns. It was also suggested that a distinction between in-basin and out-of-basin transfers be maintained. It was argued that in-basin transfers have been occurring for a long time and do not create the kinds of impacts associated with out-of-basin transfers.
- Rick Soehren discussed a draft schedule for this work group to enable development of options for resolving the third party and groundwater impact issues by the time CALFED is ready to distribute a draft Programmatic EIR/EIS. Rick emphasized that this group would continue to work on the issues after the public draft is out for review, but that a range of alternatives to resolve the identified issues needs to also be in the draft for public review. Rick stressed that CALFED felt it was essential that this work group at least find resolution to two key issues; third party impacts and protection of groundwater resources.
- Some in the group questioned whether the objective is to devise processes to deal with issues or develop the details of such processes. It would be difficult, it was suggested, to be able to foresee all possible scenarios for transfers and try to account for every detail, so the group should focus on developing processes. What direction discussion need to take will differ whether the group is focusing on processes that identify impacts or necessary actions to mitigate anticipated impacts.
- A suggestion was made to drop issue 10 from the list (User versus District initiated transfers and local control) because it is a 'non-started'. Several other forums, it was stated, have been unable to resolve this issue.
- A suggestion was made that this group can be most helpful to CALFED by providing advice on what types of transfers would be most beneficial for the CALFED Program. This would allow local regions to be creative and find low impact sources for transfers, thus reducing the necessity to deal with some of the third party impact issues.
- Some expressed their belief that this work group must include third party impacts and area of origin issues in the discussions and not allow such issues to be passed off to the Assurances Work Group as has been suggested by others. Area of origin issues really get the fears of the general public that is not served by water districts; the fear of having their groundwater supplies adversely impacted by transfers.
- A question was raised regarding issue 4 (access to project facilities). What is meant by facilities, just export pumps and channels, or reservoirs and other facilities? Rick Soehren made it clear that it is intended that such questions will be answered in issue papers developed by the agency work group which will be presented to this group in the future.
- A suggestion was made that the CALFED staff develop some written material outlining how many of these issues have been addressed in past forums and what has stopped their resolution.

Such information would be useful so this group knows 'where we are' and 'in what directions we can go' to find resolution.

- Mary Selkirk asked for volunteers to present case examples at the next meeting to help define the extent of third party impact issues (place "book-ends" on the issue). The case examples should specify what impacts occurred or were anticipated, how they were mitigated or, if not, why they were not resolved. It was suggested that case examples be accompanied by a summary of the findings of a UC Davis study focusing on third-party impacts associated with the Drought Water Bank.
- Mike Heaton gave an overview of the types of third party impacts that can occur. This group may wish to focus on economic impacts since there is no apparent mechanism for addressing such potential impacts. A discussion on the
- A suggestion was made that a procedure should be defined that created a rigorous, open, process to alert county governments and local effected parties of intended transfers. Currently, it was stated, some transfers have not properly handled public notification. This has lead to county government ordinances and outcries from other effected parties. In response to this suggestion, a question was raised as to whether this would be a process similar to that already contained in CEQA/NEPA requirements. It was felt by some that, yes, this would be a parallel process to CEQA, but short-term transfers are not subject to CEQA nor are some issues included in the CEQA process.
- A suggestion was made that a process should be undertaken by each area wishing to transfer water to establish baseline conditions and get consensus from all stakeholders prior to a transfer even being proposed. In essence, this would be a pre-project feasibility and public outreach process. This suggestion was countered with concerns that many transfers are not even envisioned until late in a year and time constraints to get the necessary approvals do not allow for all of the up-front planning.
- The group was cautioned to be careful how it proceeds with permit streamlining. This may makes sense for some transfers, but others may still require extensive analysis and debate before being approved.
- It was strongly suggested that this group needs to define its role. Are we to develop processes that work to identify impacts or are we going to develop an array of possible actions to mitigate impacts. If the problem is that the process did not work to involve all parties affected by a transfers, then that is one question. If the problem is a mitigation tax should be \$10 instead of \$5, then the debate is entirely different.
- The following people volunteered (or were volunteered) to provide case examples at the next meeting:
 - Alex Hildebrand
 - Howard Frick
 - Jim Yost
 - Paul Bartkiewicz
- Mike Heaton requested that the work group participants provide him with their comments on draft issue papers 7 and 9.

The next meeting of the BDAC Water Transfer Work Group is scheduled for October 22, 1997.